



DEPARTMENT OF BUSINESS AND INDUSTRY
DIVISION OF INSURANCE

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Notice of Withdrawal of Bulletin 15-001

In 2014, the Centers for Medicare & Medicaid Services (“CMS”) released guidance related to individual market hospital and other fixed indemnity products. The guidance and FAQs introduced a mandate, which required that notice/disclosure be given to all consumers who had or were in the process of buying hospital and other fixed indemnity policies in the individual market. CMS also required an attestation from all new and current policyholders of these products. This attestation was to affirm that the individual had minimum essential coverage (“MEC”) required by the Affordable Care Act, and understood that the hospital and other fixed indemnity policy was not MEC. In April 2015, the Division of Insurance issued Bulletin 15-001 to impose the CMS requirements on carriers in Nevada writing hospital and other fixed indemnity products.

Insurance companies challenged the attestation requirement in federal court (*Central United Life Ins. Co. v. Burwell*, No. 15-5310 (D.C. Cir. July 1, 2016)), and prevailed. For this reason, Bulletin 15-001 is withdrawn.



BARBARA D. RICHARDSON
Commissioner of Insurance